

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARCUS WILLIAMS,

Defendant-Appellant.

UNPUBLISHED

February 22, 2000

No. 201273

Recorder's Court

LC No. 94-001047

Before: Doctoroff, P.J., and Holbrook and Kelly, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial convictions for two counts of armed robbery, MCL 750.529; MSA 28.797, and unlawfully driving away an automobile (UDAA), MCL 750.413; MSA 28.645. Defendant was originally sentenced to terms of twelve to twenty years for each of the armed robbery convictions, and three to five years for the UDAA conviction, the sentences to run concurrently. However, this Court remanded defendant's case for resentencing, resulting in sentences of seven to twenty years for each of the armed robbery convictions, and a term of three to five years for the UDAA conviction, the sentences to run concurrently. We affirm.

Defendant's sole issue on appeal is that the trial court abused its discretion when it exceeded the guidelines range of two to six years and sentenced him to minimum terms of seven years for the armed robbery convictions. We disagree. This Court reviews sentencing decisions under an abuse of discretion standard. *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990). A sentence constitutes an abuse of the trial court's discretion if it violates the principle of proportionality. *Milbourn, supra*. The principle of proportionality requires sentences imposed by the trial court to be "proportionate to the seriousness of the circumstances surrounding the offense and the offender." *Milbourn, supra*.

Defendant's sentence does not violate the principle of proportionality. Although

defendant's sentence did exceed the guidelines range, the departure is minimal and can be justified by the jeopardy defendant placed the victims in as well as the terror he caused them.

Affirmed.

/s/ Martin M. Doctoroff

/s/ Donald E. Holbrook, Jr.

/s/ Michael J. Kelly